

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK L. TAYLOR,

Defendant.

CASE NO. 1:23-CR-65-HAB-SLC

OPINION AND ORDER

The Court is in receipt of Defendant Derek Taylor’s “Motion to Produce Sentencing Transcripts” (ECF No. 88). Taylor’s motion notes that he is indigent and requests the Court “compel or produce his sentencing transcripts” to aid him in his process of constructing his 28 U.S.C. § 2255 petition.

This is not the first time Taylor has made such a request, *see* ECF No. 87, and it will be denied for the same reasons. Because Taylor did not appeal his conviction or sentence, no transcripts have been prepared in this case. Title 28 U.S.C. § 753(f) allows an indigent defendant to obtain the preparation of free transcripts to prosecute a § 2255 action, “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented by the suit.” 28 U.S.C. § 753(f). As of the date of this Opinion and Order, Taylor has not yet filed a § 2255 action, and his letter indicates that he requests the transcripts because he “is in the process of constructing his 28 U.S.C. 2255 petition and his sentencing transcripts would be very useful to help aid and assist the defendant with certain arguments in support of his claims of Ineffective Assistance of Counsel.” (ECF No. 88). While he may believe that to be the case, the

Court cannot grant him the relief he requests—free transcripts—until it is able to certify that the suit is not frivolous and that Taylor is indeed indigent. Given that Taylor has offered no evidence to establish his indigency and no § 2255 action has been filed, the Court cannot make the § 753(f) certification and he is not eligible for free transcripts.

For these reasons, the Court DENIES Taylor’s request for transcripts. (ECF No. 88).

SO ORDERED this 12th day of January 2026.

s/Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT